Kirton in Lindsey Town Council

Policy 11: Sickness Absence Policy (v.20221)

(FC 2204/09)

1	**Introduction**
1.1	'Sickness Absence' is defined as an incapacity to carry out the duties and responsibilities that a member of staff is contractually obliged to carry out because of his/her own illness or injury.
1.2	This policy does not apply to the need to take time off work because of the illness or injury of others, for example, dependants or agreed compassionate leave.
2	**Aim of the Policy**
2.1	The aim of this policy is to: Provide a standard process and consistent approach for managing sickness absence. Treat employees in a way that is sensitive, fair and balances the needs of the member of staff and the organisation. Provide support for the absent member of staff to return to work as soon as their condition allows whilst sustaining a required level of attendance. Identify and eliminate any potential workplace risks to the member of staff's health & wellbeing. Promote a positive culture of attendance.
3	**Notification of Absence**
3.1	All employees must notify the Chair or a member of the Personnel & Disciplinary Committee either personally or through a relative or friend, as soon as possible on their first day of absence. If a relative or friend makes contact because the employee is unable to do so, the employee should personally make contact as soon as they are able to do so.
3.2	It is the responsibility of the employee to keep the Chair of the Personnel & Disciplinary Committee informed of the reason for absence, possible length of absence and likely return date.
3.4	Failure to notify may result in the absence being recorded as unauthorised and may result in disciplinary action and pay being withheld for the period of illness.

4	**Self Certification and Medical Certificates**
4.1	If an employee is absent due to illness for up to seven days, they should submit a self-certification form to the Chair of the Personnel & Disciplinary Committee on their return to work.
4.2	If an employee is absent for eight or more calendar days then the employee must obtain a medical certificate from their GP (Fit Note), covering the eighth day of absence onwards and send it to the Chair of the Personnel & Disciplinary Committee. Subsequent medical certificates are required as soon as the current certificate has expired. Employees must keep the Chair of the Personnel & Disciplinary Committee informed of their progress, with an indication, if possible, of a return to work date. Employees are responsible for ensuring that medical certificates are submitted on time and cover all periods of absence.
5	**Sickness during Annual leave**
5.1	Where an employee falls sick during a period of annual leave, provided they have contacted Kirton in Lindsey Town Council and advised it of the situation at the time, the period of annual leave will be reinstated i.e. the number of annual leave days 'lost' due to sickness can be taken at a later date as agreed with Kirton in Lindsey Town Council.
5.2	In some cases it may be appropriate for the employee to take a holiday/period of leave away from home during a period of sickness absence e.g. for convalescence purposes. Before taking such leave the employee must inform the Chair of the Personnel & Disciplinary Committee of the proposed dates and reason for the request. The period of leave will still be counted as sickness for the purpose of recording sickness absence and calculating pay for this period.
6	**Conduct during sickness absence**
6.1	In all cases of sickness absence it is expected that employees will act in a way that will help to ensure a timely return to work.
6.2	It would not be expected for employees to Take part in sports, hobbies, or other avoidable activities that could aggravate their condition or delay recovery. This excludes specific activities recommended by a GP or other medical adviser to improve an individual's health as part of a therapeutic or convalescent programme. Undertake any other employment, whether paid or unpaid, unless this has been previously approved by Kirton in Lindsey Town Council. Employees should also note that it can be a criminal offence to claim Statutory Sick Pay from an employer whilst undertaking paid employment elsewhere. Such matters would be pursued by Kirton in Lindsey Town Council as a disciplinary matter.

7	**Return to Work Interviews**
7.1	The Chair of the Personnel & Disciplinary Committee will meet with employees following every period of sickness absence regardless of length to discuss the reason for the employee's absence and any relevant issues arising from it. The return to work interview gives the opportunity - to check that the employee is fit to return to work and agree any actions, such as short-term changes to working arrangements. - complete an absence form and review the attendance record of the employee. - ensure the appropriate certificates have been submitted covering their absence. - discuss any medical, work or domestic problems that may have prevented them from attending work.
8	**Short Term Absence**
8.1	A short term sickness absence is considered as one or more episodes of sickness each lasting less than four weeks. Short term absence can be disruptive to the smooth running of an organisation and therefore it is important that it is managed consistently with all employees.
8.2	Frequent and persistent short-term absences will be investigated promptly. If an employee has three or more episodes of absence in a 6-month period, Kirton in Lindsey Town Council may decide to invite the employee to a sickness interview.
8.3	Kirton in Lindsey Town Council should inform staff in writing of the date of any such meetings under this section. Advance warning must be given of all meetings, i.e. at least five working days. These meetings should be conducted during normal working times and the reason for the meeting must be given to the employee. The employee must be informed of their right to be represented by a colleague or staff representative not acting in a legal capacity. Details of the employee's sickness record over the previous six months should be provided at the meeting.
8.4	The employee may be asked as part of the meeting process to be seen by an Occupational Health professional to establish the cause of absence, whether the underlying reason for the absence is work-related, whether work is impacting on their ability to consistently attend work and if any reasonable adjustments or modifications to the role would assist in them attending work in the future.

8.5	The employee will be told in the meeting what improvement in attendance is expected and warned of the likely consequences if this does not happen. If there is no improvement, the employee's length of service, performance, the likelihood of a change in attendance, the availability of suitable alternative work, and the effect of past and future absences on the Town Council will all be taken into account in deciding appropriate action.
8.6	At the conclusion of the meeting, a letter should be written advising the employee of the discussions and at what stage further action would be taken. At any point, when reviewing repeated stages of absence, it is vital that if there is a possibility that employment may be terminated that this is indicated in any invite or outcome letters.
8.7	If there is no acceptable reason for absence then the matter will be treated as a conduct issue and dealt with as a disciplinary matter.
9	**Long Term Absence**
9.1	Long term sickness absence is defined as any period of sickness lasting over four weeks. Each employee who is absent due to long term sickness will have individual needs and so consideration should be given to the following: - the employee and Kirton in Lindsey Town Council should agree the intervals of when contact with each other will be made. - consideration to obtaining a medical report or referral to an occupational health practitioner (with the employee's consent) if there is a need for advice on return to work or potential adaptations or modifications to enable a return to work.
9.2	Action cannot be generalised in these cases as a range of actions may be appropriate: • no further action • further investigation/action at a later date • change in working conditions/rehabilitation • redeployment • enforced medical leave • early retirement • formal warning, followed by termination of employment on health grounds
9.3	**Long Term Absence Interviews** When formally interviewing members of staff in relation to ill health problems, the employee should be given notice of the meeting in writing, together with the reason for the meeting and their rights to be accompanied. In order to allow the employee sufficient time to seek adequate representation, it is recommended that a minimum of five working days notice should be given

	The meeting should be held at a location convenient to the employee, if necessary away from their normal place of work and with consideration to the employee's physical condition (e.g. in a ground floor office). Home visits should only take place with the express consent of the employee and where it is not possible for the employee to attend a meeting at work. At the interview - the situation to date should be reviewed - existing medical advice should be discussed, and whether there is a need to obtain further information. - the effect on pay and benefits of the employee's situation should be discussed in accordance with the Kirton in Lindsey Town Council's sick pay policy. - future outcomes should be discussed, including possible effect on employment, including formal warnings about possible future termination of employment, if a return to work is not possible within a reasonable period. This aspect obviously needs to be dealt with in a sensitive manner. - a point of contact should be given to the employee in case of queries as the organisation is responsible for ensuring that regular contact is maintained with the employee. The outcome of the meeting including any formal warnings must be confirmed in writing.
9.4 9.4.1	**Obtaining Medical Reports** If Kirton in Lindsey Town Council is considering obtaining a medical report or an occupational health opinion then Kirton in Lindsey Town Council should discuss this with the employee and the reasons why this is required. Kirton in Lindsey Town Council will secure the employee's consent before making a referral for opinion. The employee will be informed by the Occupational Health service that they have: - the right to withhold consent to the application being made - the right to state that they wish to have access to the report - the right to withhold consent to the report being supplied to the employer - the right to request factual inaccuracy amendments to the report
9.4.2	If Kirton in Lindsey Town Council is writing to a medical practitioner directly for a report, Kirton in Lindsey Town Council must provide the full written consent of the employee and let the physician know if the employee would like to see the report first when making the application. The cost of such medical report will be borne by Kirton in Lindsey Town Council. The employee must then contact the GP within 21 days of the date of application to make arrangements to see the report. If the employee considers the report to be incorrect or misleading, the employee may make a written request to the GP to make appropriate amendments. If the GP refuses, the employee has the right to ask the GP to attach a statement to the report reflecting the employee's view on any matters of disagreement. The employee may withhold consent to the report being supplied to the organisation. The GP would be unable to change his/her written opinion in the report.

9.4.3	Kirton in Lindsey Town Council will review the information supplied within the medical report and will consider if adaptations/modifications or an alternative role is required/available. Consideration of adjustments should include any adjustments that may be considered 'reasonable and practicable' where the employee may be considered as disabled for the purposes of the Equalities Act 2010.
9.4.4	Where an employee refuses to cooperate in providing medical evidence, or to undergo an independent medical examination, the employee will be told in writing that a decision will be taken on the basis of the information available and that it could result in dismissal. Where the employee's job can no longer be held open, and no suitable alternative work is available, the employee will be informed of the likelihood of dismissal during the long term sickness meetings.
9.5 9.5.1	**Phased Returns** In some ill health cases it may be deemed appropriate for the employee to return to work on a phased basis, increasing their hours gradually to ensure that they are rehabilitated back into the workplace.
9.5.2	The period of the phased return will be based on advice from either a General Practitioner from a fit note or from an Occupational Health assessment. It should be for an agreed timeframe and reviewed towards the end of the timeframe to ensure that the employee is able to undertake the majority of the role/contractual hours. If this is not the case then a decision will need to be made about future ability to carry out the role. Further guidance may be required from an Occupational Health service.
9.6 9.6.1	**Reasonable Adjustment** When discussing the future role of the employee, Kirton in Lindsey Town Council should consider whether any reasonable adjustment could be made to enable the employee to continue in their current role.
9.6.2	Reasonable adjustment can include alterations to fixtures and fittings to enable greater access, acquiring special equipment or modifying existing equipment, altering existing working arrangements, supplying additional training and/or supervision. Guidance and support as well as help with the costs of meeting reasonable adjustments are available from the Employment Services Disability Service Team.
9.6.3	In some cases reasonable adjustments may include an acceptance following advice from Occupational Health, that the employee may have a higher than usual absence level as a result of their disability. Kirton in Lindsey Town Council must then decide whether such a level is acceptable to it.
9.7 9.7.1	**Termination of Employment on Grounds of Incapacity** Where the employee is incapable either permanently or for the foreseeable future of undertaking the duties of their post and where redeployment has been investigated but is not possible, Kirton in Lindsey Town Council will have the option to terminate employment. Full regard must be taken of all medical evidence concerning the employee's incapacity before such a decision is made.

9.7.2	In these cases, Kirton in Lindsey Town Council should arrange a meeting with the employee. The employee should be notified of their right to be accompanied at this meeting.
9.7.3	Notice of termination of employment on grounds of incapacity can only be given by the Chair of the Personnel & Disciplinary Committee. The date of termination of employment must be confirmed in writing together with confirmation of any notice pay period or payment in lieu of notice.
10	**Appointments for Dentist, Doctor and other Medical Reasons**
10.1	Appointments made to see a dentist, doctor or other medical professional should be taken in own time where possible. If this is not possible, then appointments should be made at the start or end of the normal working day.
10.2	A prolonged or recurring course of dental or medical treatment should be arranged outside of the working day where possible. Alternatively, use of other forms of leave should be considered.
11	**Paternity/Maternity/Adoption/Parental Leave**
11.1	Eligible working fathers have the right to one or two weeks' paid paternity leave. Eligible working mothers and adoptive parents have the right of up to 52 weeks' leave - 39 weeks of which may be covered by Statutory Maternity Pay or Statutory Adoption Pay. In addition, both male and female employees with parental responsibility are entitled to 13 weeks' unpaid parental leave.
11.2	If fertility treatment is required then leave time should be discussed with Kirton in Lindsey Town Council on appropriate leave arrangements.

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